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This Number contains the Title Page and Table of  
Contents for Volume I.

## DOCUMENTARY MATERIAL

RELATING TO

# THE HISTORY OF IOWA

EDITED BY

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NO. 8

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## PREFACE.

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THE object, purposes and scope of these publications of *Documentary Material Relating to the History of Iowa* are stated in the *General Introduction*: a restatement in this place would be mere supererogation.

Criticisms call for an explanation of the method of editing the material herein contained. That the investigator may be his own judge of the value of this material, I have taken pains to indicate specifically at the end of each document the source from which the given document is reprinted or transcribed. And in transcribing I have followed the copy of the original literally: that is to say, I have avoided all tampering with the sources from which the material is drawn. As a result it will be observed that in these publications typographical errors are reproduced along with other peculiarities in spelling, punctuation, capitalization, sentence construction, and such like.

It is with pleasure that I take this opportunity of thanking those (especially my University students) who have rendered service in the way of copying material or comparing the proof-sheets with the originals. Mr. George S. Schaeffer and Mr. H. Claude Horack deserve special mention in this connection. Others to be mentioned in the same connection are: Messrs. F. D. Merritt, F. W. Beckman, J. R. Frailey and H. W. Hanson. To Dr. J. L. Pickard, Professor Isaac

A. Loos, Mr. Charles Aldrich and Dr. T. S. Parvin I am grateful for encouragement.

The numbers included in this volume were prepared and published as follows: numbers I. and II. early in the year 1895; numbers III. and IV. early in the year 1896; numbers V., VI. and VII. in the summer of 1896; and number VIII. in April, 1897.

It is proposed to continue these publications as time and opportunity may permit.

BENJ. F. SHAMBAUGH.

*State University of Iowa,*

*April, 1897.*

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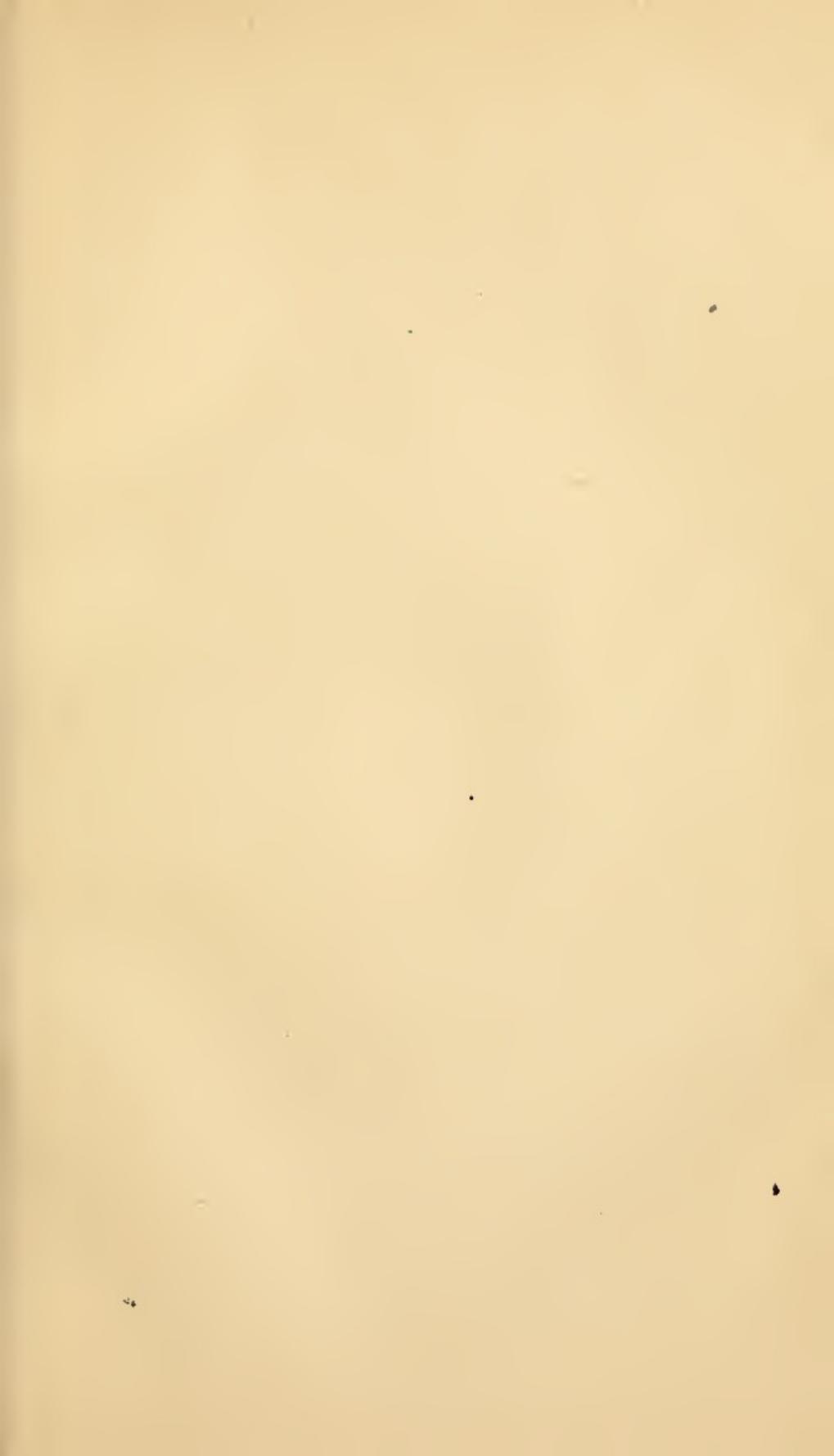
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## NUMBER VIII.

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### INTRODUCTION.

THE Constitution<sup>1</sup> which became the supreme law of the Commonwealth on the 28th day of December, 1846,<sup>2</sup> contained the following provision: "No corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money. The General Assembly of this State shall prohibit, by law, any person or persons, association, company or corporation, from exercising the privileges of banking, or creating paper to circulate as money."<sup>3</sup> This prohibition aimed to insure the people of the Commonwealth against the evils and abuses which at that time pervaded American banking operations. But the effect of the prohibition was to deny the people the benefits of banks without preventing the evils and abuses. For the Commonwealth was constantly flooded with bank notes, scrip, and shinplasters from the neighboring Commonwealths.<sup>4</sup>

<sup>1</sup> See No. VII. of this series, p. 190.

<sup>2</sup> See No. V. of this series, p. 130.

<sup>3</sup> See No. VII. of this series, p. 205.

<sup>4</sup> Cf. "Some Iowa Bank History," by H. W. Lathrop in *Iowa Historical Record*, Vol. XIII., p. 54. Also "Wildcat Banks," by A. G. Warner in *Transactions of the Nebraska Historical Society*, Vol. II., p. 22.

It was chiefly this anti-bank provision which necessitated an early revision or amendment of the Constitution of 1846. The ostensible object of the constitutional convention, voted by the people in August, 1856, was to remove the unsatisfactory prohibition.<sup>1</sup>

In accordance with the act of the General Assembly, of January 24th, 1855,<sup>2</sup> the "convention to revise or amend" the Constitution of 1846 met in the Capitol at Iowa City on the 19th day of January, 1857,<sup>3</sup> and adjourned on the 5th day of March of the same year. The Constitution submitted by this convention (properly termed the *Constitution of 1857*) was ratified by the people in August, 1857. But the proposition to amend the article on the "Right of Suffrage," by striking out the word "white," submitted at the same time, was defeated. The Constitution went into effect September 3d, 1857, on which day the Governor declared it to be the "supreme law of the State of Iowa."

Since its adoption the Constitution has been amended at four different times—1868, 1880, 1882, 1884.<sup>4</sup> At no time, however, since 1857 have the people of the Commonwealth favored the calling of a constitutional convention.

The 13th, 14th, and 15th amendments to the Constitution of the United States were ratified by the General Assembly in 1866, 1868 and 1870 respectively.<sup>5</sup>

B. F. S.

<sup>1</sup> Cf. Debates of the Constitutional Convention of 1857, Vol. I., pp. 350, 351, 355, 367, 377.

<sup>2</sup> See p. 219 of this number.

<sup>3</sup> Debates of the Convention, Vol. I., p. 5.

<sup>4</sup> For the purport of the amendments, see contents of this number.

<sup>5</sup> See joint Resolutions reprinted in this number.

## THE CONVENTION OF 1857.

### AN ACT PROVIDING FOR THE REVISION OR AMENDMENT OF THE CONSTITUTION OF THIS STATE.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That at the next general election in this State, to be holden on the first Monday of August, A. D. 1856, there shall be a poll opened in each township and election precinct, for the purpose of taking a vote of the people, for or against a convention to revise or amend the present constitution of this State.

§ 2. Voters desiring such a convention, shall have written or printed on their ballots, the words "*For a Convention*," and those opposed, shall have written or printed on their ballots the words "*Against a Convention*."

§ 3. The election shall be conducted in the same manner as the general elections of the State, and the poll books shall be returned and canvassed, as provided in the 25th chapter of the Code, and abstracts shall be forwarded to the Secretary of State, which abstracts shall be canvassed in the manner provided for the canvass of state officers.

§ 4. On or before the first day of October, A. D. 1856 the Governor shall issue his proclamation, declaring the result of said election and if a majority of the votes cast at said election shall be in favor of a convention as aforesaid, then an election of delegates to said convention shall be held on the Tuesday after the first Monday in November, in said year, and the election shall be conducted, and the returns made, according to the provisions of the Code, regulating general elections.

§ 5. The number of delegates shall correspond to the number of Senators in the General Assembly, according to the apportionment at the time of the election of said delegates, and each senatorial district shall constitute a district for the election of delegate.

§ 6. Said delegates shall possess the qualifications of Sen-

ators in the General Assembly, and shall meet in Convention at the then Capital of the State, on the third Monday in January, A. D. 1857, for the purpose of revising or amending the constitution of the State.

§ 7. Should a vacancy or vacancies at any time occur by death, resignation or otherwise, the Governor shall issue writs of election to fill the same, in the manner prescribed for filling vacancies of members of the General Assembly.

§ 8. Each delegate shall receive three dollars per day, from the State Treasury for each day's attendance in said convention, and three dollars for every twenty miles travel, in going to, and returning from said convention; the mileage to be computed by the usually traveled route.

§ 9. The Convention shall have power to appoint its own officers, and to fix their compensation; and shall also have power to provide the necessary printing for said convention; it shall also keep a journal of its proceedings, containing all amendments, revisions, or alterations, agreed upon, which journal shall be filed in the office of the Secretary of State, to be kept as other official papers of this State.

§ 10. Said revised or amended constitution, when agreed upon by the convention, shall be submitted to a vote of the people, for their adoption or rejection, and if a majority of the legally qualified electors shall approve the same, it shall then become the constitution and the supreme law of the land.

§ 11. The convention shall fix the time, and prescribe the manner of submitting the question to the people; it shall also provide for the publication of the proposed amendments a journal of its proceedings, and for the manner of canvassing the votes given for and against said amended constitution; it shall also have full power to make all necessary regulations, for the taking effect of the said amended, or revised constitution: *Provided*, That all elections contemplated in this Act, shall be conducted, as nearly as practicable, in the same manner as provided by law for the regulation of general elections in this State.

§ 12. The Secretary of State is hereby required to furnish a suitable room for the meeting of said delegates, and also to furnish stationary for the use of the convention which shall be paid for out of the State Treasury.

Approved January 24th, 1855.

I certify that the foregoing Act was published by direction of the Governor in the Iowa Capital Reporter on the 14th of February, and Iowa Republican on the 21st day of February, 1855.

GEO. W. McCLEARY,  
*Secretary of State.*

—Reprinted from *Acts of the Fifth General Assembly of the State of Iowa, Ch. 78, p. 114.*

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#### PROCLAMATION

WHEREAS, "At the general election in State of Iowa, held on the first Monday of August last, there was a poll opened in each township and election precinct, for the purpose of taking a vote of the people, for or against a Convention, to revise or amend the present Constitution of the State," of which election due returns have been made and the votes canvassed.

Now, Therefore, I, JAMES W. GRIMES, Governor of said State, do declare and make known, that there were polled for a Convention, thirty-two thousand, seven hundred and ninety votes, and against a Convention, fourteen thousand, one hundred and sixty-two votes, being a majority in favor of a Convention of eighteen thousand, six hundred and twenty-eight votes. And I do furthermore declare that an election of delegates to said Convention will be held on the Tuesday after the first Monday in November next, the election to be conducted and the returns made according to the provisions of the Code regulating general elections, and an act entitled,

"An act providing for the revision and amendment of the Constitution of this State," approved January 24th, 1855.

IN TESTIMONY WHEREOF, I have hereunto set my L. S. hand and caused the great seal of the State to be hereunto affixed.

Done at Iowa City, this tenth day of September, A. D. 1856.

JAMES W. GRIMES.

By the Governor:

GEO. W. McCLEARY,  
*Secretary of State.*

—Reprinted from the *Washington Press (Iowa)*, Vol. I., No. 23, October 1st, 1856.<sup>1</sup>

## THE CONSTITUTION OF 1857.

### CONSTITUTION OF THE STATE OF IOWA.

WE, THE PEOPLE OF THE STATE OF IOWA, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of THE STATE OF IOWA, the boundaries whereof shall be as follows:

Beginning in the middle of the main channel of the Mississippi River, at a point due East of the middle of the mouth of the main channel of the Des Moines River, thence up the middle of the main channel of the said Des Moines River, to a point on said river where the Northern boundary line of

<sup>1</sup> The proclamation which is here reprinted from the *Washington Press* does not seem to have been preserved in the archives of the Commonwealth.

the State of Missouri—as established by the constitution of that State—adopted June 12th, 1820—crosses the said middle of the main channel of the said Des Moines River; thence Westwardly along the said Northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line intersects the middle of main channel of the Missouri River; thence up the middle of the main channel of the said Missouri River to a point opposite the middle of the main channel of the Big Sioux River, according to Nicollet's Map; thence up of the main channel of the said Big Sioux River, according to the said map, until it is intersected by the parallel of forty-three degrees and thirty minutes North latitude; thence East along said parallel of forty three degrees and thirty minutes until said parallel intersects the middle of the main channel of the Mississippi River; thence down the middle of the main channel of said Mississippi River to the place of beginning.

## ARTICLE I.

### BILL OF RIGHTS.

SECTION 1. All men are, by nature, free and equal, and have certain inalienable rights—among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

SEC. 3. The General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenance of any minister, or ministry.

SEC. 4. No religious test shall be required as a qualification for any office, or public trust, and no person shall be deprived of any of his rights, privileges, or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion; and any party to any judicial proceeding shall have the right to use as a witness, or take the testimony of, any other person not disqualified on account of interest, who may be cognizant of any fact material to the case; and parties to suits may be witnesses, as provided by law.

SEC. 5. Any citizen of this State who may hereafter be engaged, either directly, or indirectly, in a duel, either as principal, or accessory before the fact, shall forever be disqualified from holding any office under the Constitution and laws of this State.

SEC. 6. All laws of a general nature shall have a uniform operation; the General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms shall not equally belong to all citizens.

SEC. 7. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech, or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appear to the jury that the matter charged as libelous was true, and was published with good motives and for justifiable ends, the party shall be acquitted.

SEC. 8. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

SEC. 9. The right of trial by jury shall remain inviolate; but the General Assembly may authorize trial by a jury of a

less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.

SEC. 10. In all criminal prosecutions, and in cases involving the life, or liberty of an individual, the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him, to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and, to have the assistance of counsel.

SEC. 11. All offenses less than felony and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a Justice of the Peace, or other officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal offense, unless on presentment or indictment by a grand jury, except in cases arising in the army, or navy, or in the militia, when in actual service, in time of war or public danger.

SEC. 12. No person shall after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable, by sufficient sureties, except for capital offenses where the proof is evident, or the presumption great.

SEC. 13. The writ of habeas corpus shall not be suspended, or refused when application is made as required by law, unless in case of rebellion, or invasion the public safety may require it.

SEC. 14. The military shall be subordinate to the civil power. No standing army shall be kept up by the State in time of peace; and in time of war, no appropriation for a standing army shall be for a longer time than two years.

SEC. 15. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

SEC. 16. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them

aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open Court.

SEC. 17. Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted.

SEC. 18. Private property shall not be taken for public use without just compensation first being made, or secured to be made to the owner thereof, as soon as the damages shall be assessed by a jury, who shall not take into consideration any advantages that may result to said owner on account of the improvement for which it is taken.

SEC. 19. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a militia fine in time of peace.

SEC. 20. The people have the right freely to assemble together to counsel for the common good; to make known their opinions to their representatives and to petition for a redress of grievances.

SEC. 21. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 22. Foreigners who are, or may hereafter become residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and descent of property, as native born citizens.

SEC. 23. There shall be no slavery in this State; nor shall there be involuntary servitude, unless for the punishment of crime.

SEC. 24. No lease or grant of agricultural lands, reserving any rent, or service of any kind, shall be valid for a longer period than twenty years.

SEC. 25. This enumeration of rights shall not be construed to impair or deny others, retained by the people.

[SEC. 26.]<sup>1</sup>

<sup>1</sup> At a special election held on June 27, 1882, the following amendment was added to the Bill of Rights as Sec. 26: "No person shall manufacture

## ARTICLE II.

## RIGHT OF SUFFRAGE.

SECTION 1. Every white<sup>1</sup> male citizen of the United States, of the age of twenty one years, who shall have been a resident of this State six months next preceding the election, and of the County in which he claims his vote sixty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.

SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform military duty on the day of election, except in time of war, or public danger.

SEC. 4. No person in the military, naval, or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place, or station within this State.

SEC. 5. No idiot, or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.

SEC. 6. All elections by the people shall be by ballot.<sup>2</sup>

for sale, or sell, or keep for sale, as a beverage, any intoxicating liquors whatever, including ale, wine and beer. The General Assembly shall by law prescribe regulations for the enforcement of the prohibition herein contained, and shall thereby provide suitable penalties for the violation of the provisions hereof."

But the Supreme Court, April 21, 1883, in the case of Koehler & Lange vs. Hill, reported in 60th Iowa, page 543, held, that owing to certain irregularities, the same was not legally submitted to the electors, and did not become a part of the constitution.

<sup>1</sup> Amended by striking out the word "white" at the general election in 1868.

<sup>2</sup> Amended at the general election in 1884, by adding: "The general election for state, district, county and township officers shall be held on the Tuesday next after the first Monday in November."

## ARTICLE III.

## OF THE DISTRIBUTION OF POWERS.

SECTION I. The powers of the government of Iowa shall be divided into three separate departments—the Legislative, the Executive, and the Judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any function appertaining to either of the others, except in cases hereinafter expressly directed or permitted.

## LEGISLATIVE DEPARTMENT.

SECTION I. The Legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives; and the style of every law shall be, "Be it enacted by the General Assembly of the State of Iowa."

SEC. 2. The sessions of the General Assembly shall be biennial, and shall commence on the second Monday in January next ensuing the election of its members; unless the Governor of the State shall, in the meantime, convene the General Assembly by proclamation.

SEC. 3. The members of the House of Representatives shall be chosen every second year, by the qualified electors of their respective districts, on the second Tuesday in October, except the years of the Presidential election, when the election shall be on the Tuesday next after the first Monday in November; and their term of office shall commence on the first day of January next after their election, and continue two years, and until their successors are elected and qualified.<sup>1</sup>

SEC. 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years, be a free white<sup>2</sup> male citizen of the United States,

<sup>1</sup> By an amendment adopted at the general election in 1884, elections now occur uniformly in November.

<sup>2</sup> Amended by striking out the words "free white," at the general election in 1880.

and shall have been an inhabitant of this State one year next preceding his election, and at the time of his election shall have had an actual residence of sixty days in the County, or District he may have been chosen to represent.

SEC. 5. Senators shall be chosen for the term of four years, at the same time and place as Representatives; they shall be twenty-five years of age, and possess the qualifications of Representatives as to residence and citizenship.

SEC. 6. The number of Senators shall not be less than one third, nor more than one half the representative body; and shall be so classified by lot, that one class, being as nearly one half as possible, shall be elected every two years. When the number of Senators is increased, they shall be annexed by lot to one or the other of the two classes, so as to keep them as nearly equal in numbers as practicable.

SEC. 7. Each house shall choose its own officers, and judge of the qualification, election, and return of its own members. A contested election shall be determined in such manner as shall be directed by law.

SEC. 8. A majority of each house shall constitute a quorum to transact business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SEC. 9. Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and, with the consent of two thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of the General Assembly of a free and independent State.

SEC. 10. Every member of the General Assembly shall have the liberty to dissent from, or protest against any act or resolution which he may think injurious to the public, or an individual, and have the reasons for dissent entered on the journals; and the yeas and nays of the members of either house, on any

question, shall, at the desire of any two members present, be entered on the journals.

SEC. 11. Senators and Representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same.

SEC. 12. When vacancies occur in either house, the Governor, or the person exercising the functions of Governor, shall issue writs of election to fill such vacancies.

SEC. 13. The doors of each house shall be open, except on such occasions, as, in the opinion of the house, may require secrecy.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 15. Bills may originate in either house, and may be amended, altered, or rejected by the other; and every bill having passed both houses, shall be signed by the Speaker and President of their respective houses.

SEC. 16. Every bill which shall have passed the General Assembly, shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it with his objections, to the house in which it originated, which shall enter the same upon their journal, and proceed to re-consider it; if, after such re-consideration, it again pass both houses, by yeas and nays, by a majority of two thirds of the members of each house, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within three days after it shall have been presented to him, Sunday excepted, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent such return. Any bill submitted to the Governor for his approval during the last three days of a session of the General Assembly, shall be deposited by him in the office of the Secretary of State, within thirty days after the adjournment, with his approval, if approved by him, and with his objections, if he disapproves thereof.

SEC. 17. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal.

SEC. 18. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws, at every regular session of the General Assembly.

SEC. 19. The House of Representatives shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two thirds of the members present.

SEC. 20. The Governor, Judges of the Supreme and District Courts, and other State officers, shall be liable to impeachment for any misdemeanor or malfeasance in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit, under this State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanors and malfeasance in office, in such manner as the General Assembly may provide.

SEC. 21. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people.

SEC. 22. No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to hold a seat in the General Assembly: but offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative.

SEC. 23. No person who may hereafter be a collector or holder of public monies, shall have a seat in either House of the General Assembly, or be eligible to hold any office of trust or profit in this State, until he shall have accounted for and paid into the treasury all sums for which he may be liable.

SEC. 24. No money shall be drawn from the treasury but in consequence of appropriations made by law.

SEC. 25. Each member of the first General Assembly under this Constitution, shall receive three dollars per diem while in session; and the further sum of three dollars for every twenty miles traveled, in going to and returning from the place where such session is held, by the nearest traveled route; after which they shall receive such compensation as shall be fixed by law; but no General Assembly shall have power to increase the compensation of its own members. And when convened in extra session they shall receive the same mileage and per diem compensation, as fixed by law for the regular session, and none other.

SEC. 26. No law of the General Assembly, passed at a regular session, of a public nature, shall take effect until the fourth day of July next after the passage thereof. Laws passed at a special session, shall take effect ninety days after the adjournment of the General Assembly by which they were passed. If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the State.

SEC. 27. No divorce shall be granted by the General Assembly.

SEC. 28. No lottery shall be authorized by this State; nor shall the sale of lottery tickets be allowed.

SEC. 29. Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

SEC. 30. The General Assembly shall not pass local or special laws in the following cases:

For the assessment and collection of taxes for State, County, or road purposes;

For laying out, opening, and working roads or highways;

For changing the names of persons;

For the incorporation of cities and towns;

For vacating roads, town plats, streets, alleys, or public squares;

For locating or changing county seats.

In all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State; and no law changing the boundary lines of any county shall have effect until upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

SEC. 31. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor, shall any money be paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, and no public money or property shall be appropriated for local, or private purposes, unless such appropriation, compensation, or claim, be allowed by two-thirds of the members elected to each branch of the General Assembly.

SEC. 32. Members of the General Assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear, or affirm, (as the case may be,) that I will support the Constitution of the United States, and the Constitution of the State of Iowa, and that I will faithfully discharge the duties of Senator, (or Representative, as the case may be,) according to the best of my ability." And members of the General Assembly are hereby empowered to administer to each other the said oath or affirmation.

SEC. 33. The General Assembly shall, in the years One thousand eight hundred and fifty nine, One thousand eight hundred and sixty three, One thousand eight hundred and sixty five, One thousand eight hundred and sixty seven, One thousand eight hundred and sixty nine, and One thousand eight hundred and seventy five, and every ten years thereafter, cause an enumeration to be made of all the white<sup>1</sup> inhabitants of the State.

SEC. 34. The number of senators shall, at the next session following each period of making such enumeration, and the next session following each United States census, be fixed by law, and apportioned among the several counties, according to the number of white<sup>2</sup> inhabitants in each.

SEC. 35. The Senate shall not consist of more than fifty members, nor the House of Representatives of more than one hundred; and they shall be apportioned among the several counties and representative districts of the State, according to the number of white<sup>3</sup> inhabitants in each, upon ratios to be fixed by law; but no representative district shall contain more than four organized counties, and each district shall be entitled to at least one representative. Every county and district which shall have a number of inhabitants equal to one-half of the ratio fixed by law, shall be entitled to one representative; and any one county containing in addition to the ratio fixed by law, one half of that number, or more, shall be entitled to one additional representative. No floating district shall hereafter be formed.

SEC. 36. At its first session under this Constitution, and at every subsequent regular session, the General Assembly shall fix the ratio of representation, and also form into representative districts those counties which will not be entitled singly to a representative.

<sup>1</sup> Amended by striking out the word "white" at the general election in 1868.

<sup>2</sup> Amended by striking out the word "white" at the general election in 1868.

<sup>3</sup> Amended by striking out the word "white" at the general election in 1868.

SEC. 37. When a congressional, senatorial, or representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a congressional, senatorial, or representative district.

SEC. 38. In all elections by the General Assembly, the members thereof shall vote *viva voce* and the votes shall be entered on the journal.

## ARTICLE IV.

### EXECUTIVE DEPARTMENT.

SECTION 1. The Supreme Executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Iowa.

SEC. 2. The Governor shall be elected by the qualified electors at the time and place of voting for members of the General Assembly, and shall hold his office two years from the time of his installation, and until his successor is elected and qualified.

SEC. 3. There shall be a Lieutenant Governor, who shall hold his office two years, and be elected at the same time as the Governor. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor, and Lieutenant Governor, shall be sealed up and transmitted to the seat of government of the State, directed to the speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.

SEC. 4. The persons respectively having the highest number of votes for Governor and Lieutenant Governor, shall be declared duly elected; but in case two or more persons shall have an equal and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of said persons Governor, or Lieutenant Governor, as the case may be.

SEC. 5. Contested elections for Governor, or Lieutenant Governor, shall be determined by the General Assembly in such manner as may be prescribed by law.

SEC. 6. No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have been a citizen of the United States, and a resident of the State, two years next preceding the election, and attained the age of thirty years at the time of said election.

SEC. 7. The Governor shall be commander in chief of the militia, the army, and navy of this State.

SEC. 8. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

SEC. 9. He shall take care that the laws are faithfully executed.

SEC. 10. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the General Assembly, or at the next election by the people.

SEC. 11. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.

SEC. 12. He shall communicate, by message, to the General Assembly, at every regular session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 13. In case of disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the General Assembly to such time as he may think proper; but no such adjournment shall be beyond the time fixed for the regular meeting of the next General Assembly.

SEC. 14. No person shall, while holding any office under the authority of the United States, or this State, execute the office of Governor, or Lieutenant Governor, except as herein after expressly provided.

SEC. 15. The official term of the Governor, and Lieutenant Governor, shall commence on the second Monday of January next after their election, and continue for two years, and until their successors are elected and qualified. The Lieutenant Governor, while acting as Governor, shall receive the same pay as provided for Governor; and while presiding in the Senate, shall receive as compensation therefor, the same mileage and double the per diem pay provided for a Senator, and none other.

SEC. 16. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly at its next meeting, when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reason therefor; and also all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

SEC. 17. In case of the death, impeachment, resignation, removal from office, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant Governor.

SEC. 18. The Lieutenant Governor shall be President of the Senate, but shall only vote when the Senate is equally

divided; and in case of his absence, or impeachment, or when he shall exercise the office of Governor, the Senate shall chose a President pro tempore.

SEC. 19. If the Lieutenant Governor, while acting as Governor, shall be impeached, displaced, resign, or die, or otherwise become incapable of performing the duties of the office, the President pro tempore of the senate shall act as Governor until the vacancy is filled, or the disability removed; and if the President of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives.

Sec. 20. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great Seal of the State of Iowa.

SEC. 21. All grants and commissions shall be in the name and by the authority of the people of the State of Iowa, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 22. A Secretary of State, Auditor of State and Treasurer of State, shall be elected by the qualified electors, who shall continue in office two years, and until their successors are elected and qualified; and perform such duties as may be required by law.

## ARTICLE V.

### JUDICIAL DEPARTMENT.

SECTION 1. The Judicial power shall be vested in a Supreme Court, District Courts, and such other Courts, inferior to the Supreme Court, as the General Assembly may, from time to time, establish.

SEC. 2. The Supreme Court shall consist of three Judges, two of whom shall constitute a quorum to hold Court.

SEC. 3. The Judges of the Supreme Court shall be elected by the qualified electors of the State, and shall hold their

Court at such time and place as the General Assembly may prescribe. The Judges of the Supreme Court so elected, shall be classified so that one Judge shall go out of office every two years; and the Judge holding the shortest term of office under such classification, shall be Chief Justice of the Court, during his term, and so on in rotation. After the expiration of their terms of office, under such classification, the term of each Judge of the Supreme Court shall be six years, and until his successor shall have been elected and qualified. The Judges of the Supreme Court shall be ineligible to any other office in the State, during the term for which they shall have been elected.

SEC. 4. The Supreme Court shall have appellate jurisdiction only in cases in chancery, and shall constitute a Court for the correction of errors at law, under such restrictions as the General Assembly may, by law, prescribe; and shall have power to issue all writs and process necessary to secure justice to parties, and exercise a supervisory control over all inferior Judicial tribunals throughout the State.

SEC. 5. The District Court shall consist of a single Judge, who shall be elected by the qualified electors of the District in which he resides. The Judge of the District Court shall hold his office for the term of four years, and until his successor shall have been elected and qualified; and shall be ineligible to any other office, except that of Judge of the Supreme Court, during the term for which he was elected.

SEC. 6. The District Court shall be a court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in civil and criminal matters arising in their respective districts, in such manner as shall be prescribed by law.

SEC. 7. The Judges of the Supreme and District Courts shall be conservators of the peace throughout the State.

SEC. 8. The style of all process shall be, "The State of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 9. The salary of each Judge of the Supreme Court shall be two thousand dollars per annum; and that of each District Judge, one thousand six hundred dollars per annum, until the year Eighteen hundred and Sixty; after which time they shall severally receive such compensation as the General Assembly may, by law, prescribe; which compensation shall not be increased or diminished during the term for which they shall have been elected.

SEC. 10. The State shall be divided into eleven Judicial Districts; and after the year Eighteen hundred and sixty, the General Assembly may re-organize the Judicial Districts and increase or diminish the number of Districts, or the number of Judges of the said Court, and may increase the number of Judges of the Supreme Court; but such increase or diminution shall not be more than one District, or one Judge of either Court, at any one session; and no re-organization of the districts, or diminution of the number of Judges, shall have the effect of removing a Judge from office. Such re-organization of the districts, or any change in the boundaries thereof, or increase or diminution of the number of Judges, shall take place every four years thereafter, if necessary, and at no other time.<sup>1</sup>

SEC. 11. The Judges of the Supreme and District Courts shall be chosen at the general election; and the term of office of each Judge shall commence on the first day of January next, after his election.

SEC. 12. The General Assembly shall provide, by law, for the election of an Attorney General by the people, whose term of office shall be two years, and until his successor shall have been elected and qualified.

<sup>1</sup> At the general election in 1884 the following amendment was added: "At any regular session of the General Assembly, the State may be divided into the necessary Judicial Districts for District Court purposes, or the said districts may be re-organized and the number of the districts and the Judges of said courts increased or diminished; but no re-organization of the districts or diminution of the Judges shall have the effect of removing a Judge from office."

SEC. 13. The qualified electors of each judicial district shall, at the time of the election of District Judge, elect a District Attorney, who shall be a resident of the district for which he is elected, and who shall hold his office for the term of four years, and until his successor shall have been elected and qualified.<sup>1</sup>

SEC. 14. It shall be the duty of the General Assembly to provide for the carrying into effect of this article, and to provide for a general system of practice in all the Courts of this State.<sup>2</sup>

## ARTICLE VI.

### MILITIA.

SECTION 1. The militia of this State shall be composed of all able-bodied white<sup>3</sup> male citizens, between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States, or of this State, and shall be armed, equipped, and trained, as the General Assembly may provide by law.

SEC. 2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do military duty in time of peace; provided, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

SEC. 3. All commissioned officers of the militia, (staff

<sup>1</sup> At the general election in 1884 the following was substituted for section 13: "The qualified electors of each county shall, at the general election in the year 1886, and every two years thereafter, elect a county attorney, who shall be a resident of the county for which he is elected, and shall hold his office for two years, and until his successor shall have been elected and qualified."

<sup>2</sup> At the general election in 1884 the following was added to this section: "The grand jury may consist of any number of members, not less than five, nor more than fifteen, as the General Assembly may by law provide, or the General Assembly may provide for holding persons to answer for any criminal offence without the interference of a grand jury."

<sup>3</sup> Amended by striking out the word "white," at the general election in 1868.

officers excepted), shall be elected by the persons liable to perform military duty, and shall be commissioned by the Governor.

## ARTICLE VII.

### STATE DEBTS.

SECTION 1. The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association, or corporation; and the State shall never assume, or become responsible for, the debts or liabilities of any individual, association, or corporation, unless incurred in time of war for the benefit of the State.

SEC. 2. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the General Assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty thousand dollars; and the money arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

SEC. 3. All losses to the permanent, School, or University fund of this State, which shall have been occasioned by the defalcation, mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the State, in favor of the respective fund, sustaining the loss, upon which not less than six per cent, annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized by the second section of this article.

SEC. 4. In addition to the above limited power to contract debts, the state may contract debts to repel invasion, suppress insurrection, or defend the State in war; but the money aris-

ing from the debts so contracted shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

SEC. 5. Except the debts hereinbefore specified in this article, no debt shall be hereafter contracted by, or on behalf of this State, unless such debt shall be authorized by some law for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within twenty years from the time of the contracting thereof; but no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one newspaper in each County, if one is published therein, throughout the State, for three months preceding the election at which it is submitted to the people.

SEC. 6. The Legislature may, at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may, at any time, forbid the contracting of any further debt, or liability, under such law; but the tax imposed by such law, in proportion to the debt or liability, which may have been contracted in pursuance thereof, shall remain in force and be irrepealable, and be annually collected, until the principal and interest are fully paid.

SEC. 7. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

## ARTICLE VIII.

## CORPORATIONS.

SECTION 1. No corporation shall be created by special laws; but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created, except as herein after provided.

SEC. 2. The property of all corporations for pecuniary profit, shall be subject to taxation, the same as that of individuals.

SEC. 3. The State shall not become a stockholder in any corporation, nor shall it assume or pay the debt or liability of any corporation, unless incurred in time of war for the benefit of the state.

SEC. 4. No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly.

SEC. 5. No act of the General Assembly, authorizing or creating corporations or associations with banking powers, nor amendments thereto shall take effect, or in any manner be in force, until the same shall have been submitted, separately, to the people, at a general or special election, as provided by law, to be held not less than three months after the passage of the act, and shall have been approved by a majority of all the electors voting for and against it at such election.

SEC. 6. Subject to the provisions of the foregoing section, the General Assembly may also provide for the establishment of a State Bank with branches.

SEC. 7. If a State Bank be established, it shall be founded on an actual specie basis, and the branches shall be mutually responsible for each other's liabilities upon all notes, bills, and other issues intended for circulation as money.

SEC. 8. If a general Banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of State, of all bills, or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the State Treasurer, in United States stocks,

or in interest paying stocks of states in good credit and standing, to be rated at ten per cent. below their average value in the City of New York, for the thirty days next preceding their deposit; and in case of a depreciation of any portion of said stocks, to the amount of ten per cent. on the dollar, the bank or banks owning such stock shall be required to make up said deficiency by depositing additional stocks; and said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer, and to whom.

SEC. 9. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held for all of its liabilities, accruing while he or she remains such stockholder.

SEC. 10. In case of the insolvency of any banking institution, the bill-holders shall have a preference over its other creditors.

SEC. 11. The suspension of specie payment by banking institutions shall never be permitted or sanctioned.

SEC. 12. Subject to the provisions of this article, the General Assembly shall have power to amend or repeal all laws for the organization or creation of corporations, or granting of special or exclusive privileges or immunities, by a vote of two thirds of each branch of the General Assembly; and no exclusive privileges, except as in this article provided, shall ever be granted.

## ARTICLE IX.

### EDUCATION AND SCHOOL LANDS.

#### 1ST. EDUCATION.

SECTION 1. The educational interest of the State, including Common Schools and other educational institutions, shall be under the management of a Board of Education, which

shall consist of the Lieutenant Governor, who shall be the presiding officer of the Board, and have the casting vote in case of a tie, and one member to be elected from each judicial district in the State.

SEC. 2. No person shall be eligible as a member of said Board who shall not have attained the age of twenty five years, and shall have been one year a citizen of the State.

SEC. 3. One member of said Board shall be chosen by the qualified electors of each district, and shall hold the office for the term of four years, and until his successor is elected and qualified. After the first election under this Constitution, the Board shall be divided, as nearly as practicable, into two equal classes, and the seats of the first class shall be vacated after the expiration of two years; and one half of the Board shall be chosen every two years thereafter.

SEC. 4. The first session of the Board of Education shall be held at the Seat of Government, on the first Monday of December, after their election; after which the General Assembly may fix the time and place of meeting.

SEC. 5. The session of the Board shall be limited to twenty days, and but one session shall be held in any one year, except upon extraordinary occasions, when upon the recommendation of two thirds of the Board, the Governor may order a special session.

SEC. 6. The Board of Education shall appoint a Secretary, who shall be the executive officer of the Board, and perform such duties as may be imposed upon him by the Board, and the laws of the state. They shall keep a journal of their proceedings, which shall be published and distributed in the same manner as the journals of the General Assembly.

SEC. 7. All rules and regulations made by the Board shall be published and distributed to the several Counties, Townships, and School Districts, as may be provided for by the Board, and when so made, published and distributed, they shall have the force and effect of law.

SEC. 8. The Board of Education shall have full power and

authority to legislate and make all needful rules and regulations in relation to Common Schools, and other educational institutions, that are instituted, to receive aid from the School or University fund of this state; but all acts, rules, and regulations of said Board may be altered, amended or repealed by the General Assembly; and when so altered, amended, or repealed they shall not be re-enacted by the Board of Education.

SEC. 9. The Governor of the State shall be, *ex officio*, a member of said Board.

SEC. 10. The Board shall have no power to levy taxes, or make appropriations of money. Their contingent expenses shall be provided for by the General Assembly.

SEC. 11. The State University shall be established at one place without branches at any other place, and the University fund shall be applied to that Institution and no other.

SEC. 12. The Board of Education shall provide for the education of all the youths of the State, through a system of Common Schools, and such schools shall be organized and kept in each school district at least three months in each year. Any district failing, for two consecutive years, to organize and keep up a school as aforesaid may be deprived of their portion of the school fund.

SEC. 13. The members of the Board of Education shall each receive the same per diem during the time of their session, and mileage going to and returning therefrom, as members of the General Assembly.

SEC. 14. A majority of the Board shall constitute a quorum for the transaction of business; but no rule, regulation, or law, for the government of Common Schools or other educational institutions, shall pass without the concurrence of a majority of all the members of the Board, which shall be expressed by the yeas and nays on the final passage. The style of all acts of the Board shall be, "Be it enacted by the Board of Education of the State of Iowa."

SEC. 15. At any time after the year One thousand eight

hundred and sixty three, the General Assembly shall have power to abolish or re-organize said Board of Education, and provide for the educational interest of the State in any other manner that to them shall seem best and proper.

## 2ND. SCHOOL FUNDS AND SCHOOL LANDS.

SECTION 1. The educational and school funds and lands, shall be under the control and management of the General Assembly of this state.

SEC. 2. The University lands, and the proceeds thereof, and all monies belonging to said fund shall be a permanent fund for the sole use of the State University. The interest arising from the same shall be annually appropriated for the support and benefit of said University.

SEC. 3. The General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, for the support of schools, which may have been, or shall hereafter be sold, or disposed of, and the five hundred thousand acres of land granted to the new States, under an act of Congress, distributing the proceeds of the public lands among the several States of the Union, approved in the year of our Lord one thousand eight hundred and forty one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as has been or may hereafter be granted by Congress, on the sale of lands in this State, shall be, and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the General Assembly may provide, shall be inviolably appropriated to the support of Common schools throughout the State.

SEC. 4. The money which may have been or shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several Counties for any breach of the penal laws, shall be exclusively

applied, in the several Counties in which such money is paid, or fine collected, among the several school districts of said Counties, in proportion to the number of youths subject to enumeration in such districts, to the support of Common schools, or the establishment of libraries, as the Board of Education shall, from time to time provide.

SEC. 5. The General Assembly shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be reserved, or granted by the United States, or any person or persons, to this State, for the use of the University, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be, and remain, a permanent fund, the interest of which shall be applied to the support of said University, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the General Assembly as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

SEC. 6. The financial agents of the school funds shall be the same, that by law, receive and control the State and county revenue for other civil purposes, under such regulations as may be provided by law.

SEC. 7. The money subject to the support and maintenance of common schools shall be distributed to the districts in proportion to the number of youths, between the ages of five and twenty-one years, in such manner as may be provided by the General Assembly.

## ARTICLE X.

### AMENDMENTS TO THE CONSTITUTION.

SECTION I. Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such pro-

posed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the General Assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to, by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner, and at such time as the General Assembly shall provide; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become a part of the Constitution of this State.

SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

SEC. 3. At the general election to be held in the year one thousand eight hundred and seventy, and in each tenth year thereafter, and also at such times as the General Assembly may, by law, provide, the question, "Shall there be a Convention to revise the Constitution, and amend the same?" shall be decided by the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting at such election, for and against such proposition, shall decide in favor of a Convention for such purpose, the General Assembly, at its next session, shall provide by law for the election of delegates to such Convention.

## ARTICLE XI.

### MISCELLANEOUS.

SECTION 1. The jurisdiction of Justices of the Peace shall extend to all civil cases, (except cases in chancery, and cases

where the question of title to real estate may arise,) where the amount in controversy does not exceed one hundred dollars, and by the consent of parties may be extended to any amount not exceeding three hundred dollars.

SEC. 2. No new County shall be hereafter created containing less than four hundred and thirty two square miles; nor shall the territory of any organized county be reduced below that area; except the County of Worth, and the counties west of it, along the Northern boundary of this State, may be organized without additional territory.

SEC. 3. No county, or other political or municipal corporation shall be allowed to become indebted in any manner, or for any purpose, to an amount, in the aggregate, exceeding five per centum on the value of the taxable property within such county or corporation—to be ascertained by the last State and county tax lists, previous to the incurring of such indebtedness.

SEC. 4. The boundaries of the State may be enlarged, with the consent of Congress and the General Assembly.

SEC. 5. Every person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office.

SEC. 6. In all cases of elections to fill vacancies in office occurring before the expiration of a full term, the person so elected shall hold for the residue of the unexpired term; and all persons appointed to fill vacancies in office, shall hold until the next general election, and until their successors are elected and qualified.

SEC. 7. The General Assembly shall not locate any of the public lands, which have been, or may be granted by Congress to this State, and the location of which may be given to the General Assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupant, so exempted, shall not exceed three hundred and twenty acres.

SEC. 8. The seat of Government is hereby permanently established, as now fixed by law, at the City of Des Moines, in the County of Polk; and the State University, at Iowa City, in the County of Johnson.

## ARTICLE XII.

### SCHEDULE.

SECTION 1. This Constitution shall be the supreme law of the State, and any law inconsistent therewith, shall be void. The General Assembly shall pass all laws necessary to carry this Constitution into effect.

SEC. 2. All laws now in force and not inconsistent with this Constitution, shall remain in force until they shall expire or be repealed.

SEC. 3. All indictments, prosecutions, suits, pleas, plaints, process, and other proceedings pending in any of the courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari, and injunctions, shall be carried on in the several courts, in the same manner as now provided by law; and all offences, misdemeanors, and crimes that may have been committed before the taking effect of this Constitution, shall be subject to indictment, trial and punishment, in the same manner as they would have been, had not this Constitution been made.

SEC. 4. All fines, penalties, or forfeitures due, or to become due, or accruing to the State, or to any County therein, or to the school fund, shall inure to the State, county, or school fund, in the manner prescribed by law.

SEC. 5. All bonds executed to the State, or to any officer in his official capacity, shall remain in force and inure to the use of those concerned.

SEC. 6. The first election under this Constitution shall be held on the second Tuesday in October, in the year One thousand eight hundred and fifty seven, at which time the electors of the State shall elect the Governor and Lieutenant

Governor. There shall also be elected at such election, the successors of such State Senators as were elected at the August election, in the year One thousand eight hundred and fifty-four, and members of the House of Representatives, who shall be elected in accordance with the act of apportionment, enacted at the session of the General Assembly which commenced on the first Monday of December One thousand eight hundred and fifty six.

SEC. 7. The first election for Secretary, Auditor, and Treasurer of State, Attorney General, District Judges, Members of the Board of Education, District Attorneys, members of Congress, and such State officers as shall be elected at the April election, in the year One thousand eight hundred and fifty seven, (except the Superintendent of Public Instruction,) and such county officers as were elected at the August election, in the year One thousand eight hundred and fifty six, except Prosecuting Attorneys, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-eight: *Provided*, That the time for which any District Judge or other State or County officer elected at the April election in the year One thousand eight hundred and fifty eight, shall not extend beyond the time fixed for filling like offices at the October election in the year one thousand eight hundred and fifty eight.

SEC. 8. The first election for Judges of the Supreme Court, and such County officers as shall be elected at the August election, in the year one thousand eight hundred and fifty-seven, shall be held on the second Tuesday of October, in the year One thousand eight hundred and fifty-nine.

SEC. 9. The first regular session of the General Assembly shall be held in the year One thousand eight hundred and fifty-eight, commencing on the second Monday of January of said year.

SEC. 10. Senators elected at the August election, in the year one thousand eight hundred and fifty-six, shall continue in office until the second Tuesday of October, in the year one

thousand eight hundred and fifty-nine, at which time their successors shall be elected as may be prescribed by law.

SEC. 11. Every person elected by popular vote, by a vote of the General Assembly, or who may hold office by executive appointment, which office is continued by this Constitution, and every person who shall be so elected or appointed, to any such office, before the taking effect of this constitution, (except as in this Constitution otherwise provided,) shall continue in office until the term for which such person has been or may be elected or appointed shall expire; but no such person shall continue in office after the taking effect of this Constitution, for a longer period than the term of such office, in this Constitution prescribed.

SEC. 12. The General Assembly, at the first session under this Constitution, shall district the State into eleven Judicial Districts, for District Court purposes; and shall also provide for the apportionment of the members of the General Assembly in accordance with the provisions of this Constitution.

SEC. 13. This Constitution shall be submitted to the electors of the State at the August election, in the year one thousand eight hundred and fifty-seven, in the several election districts in this State. The ballots at such election shall be written or printed as follows: Those in favor of the Constitution, "New Constitution—Yes." Those against the Constitution, "New Constitution—No." The election shall be conducted in the same manner as the general elections of the State, and the poll-books shall be returned and canvassed as provided in the twenty-fifth chapter of the code, and abstracts shall be forwarded to the Secretary of State, which abstracts shall be canvassed in the manner provided for the canvass of State officers. And if it shall appear that a majority of all the votes cast at such election for and against this Constitution are in favor of the same, the Governor shall immediately issue his proclamation stating that fact, and such Constitution shall be the Constitution of the State of Iowa, and shall take effect from and after the publication of said proclamation.

SEC. 14. At the same election that this Constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word "white" from the article on the Right of Suffrage, shall be separately submitted to the electors of this State for adoption or rejection in the manner following—Namely: A separate ballot may be given by every person having a right to vote at said election, to be deposited in a separate box; And those given for the adoption of such proposition shall have the words, "Shall the word 'White' be stricken out of the Article on the Right of Suffrage? Yes." And those given against the proposition shall have the words, "Shall the word 'White' be stricken out of the Article on the Right of Suffrage? No." And if at said election the number of ballots cast in favor of said proposition shall be equal to a majority of those cast for and against this Constitution, then said word "White" shall be stricken from said Article and be no part thereof.<sup>1</sup>

SEC. 15. Until otherwise directed by law, the County of Mills shall be in and a part of the sixth Judicial District of this State.

Done in Convention at Iowa City, this fifth day of March in the year of our Lord One thousand eight hundred and fifty seven, and of the Independence of the United States of America, the eighty first.

In testimony whereof we have hereunto subscribed our names:

Timothy Day	M. W. Robinson
S. G. Winchester	Lewis Todhunter
David Bunker	John Edwards
D. P. Palmer	J. C. Traer
Geo. W. Ells	James F. Wilson.
J. C. Hall	Amos Harris
John H. Peters	Jno T. Clark
Wm. A. Warren	S. Ayres.
H. W. Gray	Harvey J. Skiff

<sup>1</sup> This proposition was voted down by a large majority.

Robt. Gower	J. A. Parvin
H. D. Gibson	W. Penn. Clarke
Thomas Seely	Jeremiah Hollingsworth
A. H. Marvin	Wm. Patterson
J. H. Emerson	D. W. Price
R. L. B. Clarke	Alpheus Scott
James A. Young	George Gillaspy
H. D. Solomon	Edward Johnston
	Aylett R. Cotton

FRANCIS SPRINGER, President.

Attest;—TH: J. SAUNDERS, Secretary.

E. N. BATES, Asst. Secretary.

*—Printed from the original manuscript copy as preserved in  
the office of the Secretary of the Commonwealth of Iowa.*

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#### PROCLAMATION.

WHEREAS an instrument known as the “ New Constitution of the State of Iowa ” adopted by the constitutional convention of said State on the fifth day of March A. D. 1857 was submitted to the qualified electors of said State at the annual election held on Monday the third day of August 1857 for their approval or rejection.

And whereas an official canvass of the votes cast at said election shows that there were Forty thousand three hundred and eleven votes cast for the adoption of said Constitution and Thirty eight thousand six hundred and eighty one votes were cast against its adoption, leaving a majority of sixteen hundred and thirty votes in favor of its adoption.

*Now therefore I, JAMES W. GRIMES, Governor of said State, by virtue of the authority conferred upon me, hereby declare*

the said New Constitution to be adopted, and declare it to be the supreme law of the State of Iowa.

In testimony whereof I have hereunto set my hand and affixed the Great Seal of the State of Iowa.

L. S. Done at Iowa City this Third day of September A. D. 1857 of the Independence of the United States the eighty second and of the State of Iowa the eleventh.

JAMES W. GRIMES.

By the Governor,

ELIJAH SELLS,

*Secretary of State.*

—Printed from *Executive Register, No. I., p. 394.* Manuscript copy of Register in office of the Secretary of the Commonwealth of Iowa.

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#### THE VOTE IN AUGUST, 1857, ON THE CONSTITUTION OF 1857.

The following is an abstract of the votes cast in the several counties of the Commonwealth for and against the Constitution of 1857:

COUNTIES	FOR	AGAINST
Adair	107	15
Adams	98	72
Allamakee	480	679
Appanoose	388	1004
Audubon	17	57
Benton	535	622
Black Hawk	609	618
Boone	248	456
Bremer	348	91
Butler	198	189

COUNTIES	FOR	AGAINST
Buchanan	649	583
Calhoun	34	3
Carroll	45	
Cass	119	80
Cedar	826	692
Cerro Gordo	118	48
Chickasaw	389	296
Clarke	458	381
Clayton	866	1395
Clinton	812	676
Crawford	37	20
Dallas	476	361
Davis	574	1202
Decatur	254	644
Delaware	592	842
Des Moines	1465	1130
Dickinson		
Dubuque	539	2023
Fayette	653	667
Floyd	312	198
Franklin	62	129
Fremont	124	389
Greene	112	73
Grundy	51	40
Guthrie	245	213
Hamilton	82	199
Harrison	193	196
Hardin	549	303
Henry	1205	624
Howard	273	118
Humboldt	26	1
Iowa	424	459
Jackson	581	1077
Jasper	836	393
Jefferson	1082	1038

COUNTIES	FOR	AGAINST
Johnson	847	1257
Jones	784	772
Keokuk	789	759
Kossuth	61	21
Lee	2721	661
Linn	1307	955
Louisa	698	473
Lucas		
Madison	625	656
Mahaska	926	872
Marion	819	1417
Marshall	231	641
Mills	253	346
Mitchell	290	224
Monona	28	119
Monroe	548	695
Montgomery	17	31
Muscatine	1108	778
Page	142	309
Polk	1892	106
Pottawattamie	264	418
Poweshiek	653	221
Ringgold	183	50
Scott	1414	1242
Shelby	100	14
Story	280	359
Sac	37	51
Tama	386	298
Taylor	221	157
Union	109	101
Van Buren	1062	1508
Wapello	938	1249
Warren	881	361
Washington	813	709
Wayne		

COUNTIES	FOR	AGAINST
Webster	142	264
Winneshiek	590	241
Woodbury		
Wright	61	50
Total	40311	38681

—Printed from the original manuscript records as preserved in the office of the Secretary of the Commonwealth of Iowa.

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## THE AMENDMENTS OF 1868.

### A PROPOSAL TO AMEND THE CONSTITUTION OF THE STATE OF IOWA.

*Be it resolved by the General Assembly of the State of Iowa,*  
That the following amendments to the Constitution of the State of Iowa are hereby proposed:

1st. Strike the word "white" from Section 1 of Article 2 thereof.

2d. Strike the word "white" from Section 33 of Article 3 thereof.

3d. Strike the word "white" from Section 34 of Article 3 thereof.

4th. Strike the word "white" from Section 35 of Article 3 thereof.

5th. Strike the word "white" from Section 1 of Article 6 thereof.

6th. Add to Section 5 of Article 2, the following words: Nor shall any person who has committed or may hereafter commit the crime of treason against the United States, nor any person who has absconded for the purpose of avoiding any military conscription or draft, ordered by the authority of the United States or this State, be entitled to the privilege of an elector, or qualified to hold any office under the constitu-

tion and laws of this State. In order that the provisions of this section may be effectually enforced, the Legislature may by law prescribe a suitable Oath to be taken under such limitations as it may deem proper, by persons offering to qualify for office or to vote, to the effect that they are not subject to the disabilities of this section.

Approved April 2d, 1866.

NOTE—This resolution being considered of importance was numbered with the laws in order of its filing, and is accordingly chaptered and published as a law.

James Wright, Secretary of State.

—Reprinted from *Acts of the Eleventh General Assembly of the State of Iowa*, p. 106.

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**AN ACT TO PROVIDE FOR DUE REFERENCE AND PUBLICATION OF PROPOSALS TO AMEND THE CONSTITUTION OF THE STATE OF IOWA.**

1. That the Resolutions proposing to amend the Constitution of the State of Iowa, which have been passed at the present session of the General Assembly of the said State, are hereby referred to the Legislature to be chosen at the next general election.

2. The Secretary of State shall cause the same to be published for three months previous to the time of the next general election of members of the Legislature, in one newspaper in each Congressional District.

Approved April 2d, 1866.

—Reprinted from *Acts of the Eleventh General Assembly of the State of Iowa*, p. 108.

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**JOINT RESOLUTION AGREEING TO, RATIFYING, AND CONFIRMING AMENDMENTS TO THE STATE CONSTITUTION.**

WHEREAS, The Eleventh General Assembly of the State

of Iowa did, in due form, by a majority of the members elected to each of the two houses, agree to proposed amendments to the constitution as follows:

1st. Strike the word "White" from section 1 of article 2 thereof;

2d. Strike the word "White" from section 33 of article 3 thereof;

3d. Strike the word "White" from section 34 of article 3 thereof;

4th. Strike the word "White" from section 35 of article 3 thereof;

5th. Strike the word "White" from section 1 of article 6 thereof; and entered the same on the Journals thereof, and referred the same to the legislature to be chosen at the next general election, and the same having been published, as provided by law, for three months previous to the time of making the choice of this the Twelfth General Assembly: therefore,

*Be it resolved by the General Assembly of the State of Iowa,* That the said amendments aforesaid, and each of them, are hereby ratified, agreed to, and confirmed, and the same shall be submitted to the people for their approval, as this General Assembly shall provide.

Approved March 31, 1868.

—Reprinted from *Acts of the Twelfth General Assembly of the State of Iowa*, p. 290.

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AN ACT PROVIDING FOR THE SUBMISSION OF CERTAIN PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF IOWA, TO THE PEOPLE THEREOF, AT THE NEXT GENERAL ELECTION THEREIN.

WHEREAS, The Eleventh General Assembly of the State of Iowa did propose certain amendments to the constitution of said State, and did, by a majority of the members elected to each of the two houses thereof, agree to the same; and did

cause the same to be entered on their journals with the yeas and nays taken thereon, and did refer the same to the legislature chosen at the general election now last past, and did cause the same to be published, as provided by law, for three months previous to such election; and

WHEREAS, The legislature chosen at such election, to-wit, the 12th General Assembly of the State of Iowa, has, by a majority of all the members elected to each house thereof, agreed to the following of said proposed amendments to the constitution of the State of Iowa, to-wit:

1st. Strike the word "white" from section one of article two thereof.

2d. Strike the word "white" from section thirty-three of article three thereof.

3d. Strike the word "white" from section thirty-four of article three thereof.

4th. Strike the word "white" from section thirty-five of article three thereof.

5th. Strike the word "white" from section one of article six thereof. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That said amendments are hereby submitted to the people of the State of Iowa for their approval and ratification at the next general election; and it shall be the duty of the Governor to set forth said amendments and the submission thereof in his proclamation of such election.

SEC. 2. Those electors voting to approve and ratify the first of said amendments, shall have written or printed on their ballots the words, "For the first amendment." Those electors voting not to approve and ratify said first amendment, shall have written or printed on their ballots the words, "Against the first amendment."

SEC. 3. Those electors voting to approve and ratify the second of said amendments, shall have written or printed on their ballots the words, "For the second amendment." Those electors voting not to approve and ratify said second amend-

ment, shall have written or printed on their ballots the words, "Against the second amendment."

SEC. 4. Those electors voting to approve and ratify the third of said amendments, shall have written or printed on their ballots the words, "For the third amendment." Those electors voting not to approve and ratify said third amendment, shall have written or printed on their ballots the words, "Against the third amendment."

SEC. 5. Those electors voting to approve and ratify the fourth of said amendments, shall have written or printed on their ballots the words, "For the fourth amendment." Those electors voting not to approve and ratify said fourth amendment, shall have written or printed on their ballots the words, "Against the fourth amendment."

SEC. 6. Those electors voting to approve and ratify the fifth of said amendments, shall have written or printed on their ballots the words, "For the fifth amendment." Those electors voting not to approve and ratify said fifth amendment, shall have written or printed on their ballots the words, "Against the fifth amendment."

SEC. 7. The votes cast for and against the approval and ratification of each of said amendments, in the manner aforesaid, shall be canvassed and returned in all respects as the vote for the office of Secretary of State is canvassed and returned, except that the result shall be certified in duplicate by the board of State canvassers, one certificate being deposited in the office of the Governor, and the other in the office of the Secretary of State.

SEC. 8. In case either of said amendments shall be approved and ratified by a majority of the electors qualified to vote for members of the General Assembly voting thereon, the Governor shall forthwith issue his proclamation setting forth such approval and ratification, and declaring such amendment, so approved and ratified, to be a part of the Constitution of the State of Iowa, which proclamation shall be

transmitted and published the same as proclamations of election.

Approved April 2, 1868.

—*Reprinted from Acts of the Twelfth General Assembly of the State of Iowa, p. 931.*

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#### PROCLAMATION.

To all to whom these Presents may come, greeting; Know Ye, That whereas the Eleventh General Assembly of the State of Iowa passed a resolution which was approved April 2d, 1866, and which is in the words following namely:

“Be it Resolved by the General Assembly of the State of Iowa, That the following amendments to the Constitution of the State of Iowa are hereby proposed:

“1st. Strike the word ‘white’ from Section 1, of Article 2 thereof.

“2d. Strike the word ‘white’ from Section 33, of Article 3 thereof.

“3d. Strike the word ‘white’ from Section 34, of Article 3 thereof.

“4th. Strike the word ‘white’ from Section 35, Article 3 thereof.

“5th. Strike the word ‘white’ from Section 1, of Article 6 thereof.”

And whereas the Twelfth General Assembly of the State of Iowa passed a resolution which was approved March 31st, 1868; and which is in words the following namely: “Whereas, The General Assembly of the State of Iowa did in due form, by a majority of the members elected to each of the two houses, agree to proposed amendments to the Constitution as follows:

1st. Strike the word “white” from Section 1, of Article 2 thereof.

2d. Strike the word "white" from Section 33, of Article 3 thereof.

3d. Strike the word "white" from Section 34, of Article 3 thereof.

4th. Strike the word "white" from Section 35, Article 3 thereof.

5th. Strike the word "white" from Section 1, of Article 6 thereof; and entered the same on the journals thereof, and referred the same to the legislature to be chosen at the next general election, and the same having been published, as provided by law, for three months previous to the time of making the choice of this the Twelfth General Assembly; therefore,

Be it Resolved by the General Assembly of the State of Iowa, That the said amendments aforesaid, and each of them, are hereby ratified, agreed to, and confirmed, and the same shall be submitted to the people for their approval, as this General Assembly shall provide."

And Whereas, The said Twelfth General Assembly, passed an Act, which was approved April 2, 1868, "Providing for the submission of certain proposed amendments to the Constitution of the State of Iowa to the People thereof, at the next general election thereof," and the said amendments were submitted to the people of the State of Iowa, in the manner and at the time prescribed by the terms of said act;

And whereas, an official canvass of the votes cast at the said general election shows that there were one hundred and five thousand three hundred and eighty-four (105,384) votes cast for the adoption of the first of said amendments, and eighty-one one hundred and nineteen (81,119) votes cast against the adoption of said first amendment, and that there were one hundred and five thousand four hundred and ninety-eight (105,498) votes cast for the adoption of the second of the said amendments, and eighty-one thousand and fifty (81,050) votes against the adoption of said second amendment, and that there were one hundred and five thousand five hundred and twenty-four (105,524) votes cast for the adoption of the third of

the said amendments, and eighty-one thousand and thirty-eight (81,038) votes cast against the adoption of said third amendment, and that there were one hundred and five thousand five hundred and two (105,502) votes cast for the adoption of the fourth of said amendments, and eighty thousand nine hundred and twenty-nine (80,929) votes cast against the adoption of said fourth amendment; and that there were one hundred and five thousand five hundred and fifteen (105,515) votes cast for the adoption of the fifth of said amendments, and eighty-one thousand and fifty (81,050) votes cast against the adoption of said fifth amendment;

Now therefore, I, SAMUEL MERRILL, Governor of the State of Iowa, by virtue of the authority vested in me, do hereby proclaim that each and all of the amendments aforesaid have become valid to all intents and purposes as part of the Constitution of the State of Iowa,

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa. Done at Des Moines, this

L. S. eighth day of December, in the year of our Lord one thousand eight hundred and sixty-eight, of the Independence of the United States the ninety-third, and of the State of Iowa the twenty second.

SAMUEL MERRILL.

By the Governor:

ED WRIGHT,

*Secretary of State.*

—Printed from Executive Register, Vol. II., p. 540. Manuscript copy of Register as preserved in the office of the Secretary of the Commonwealth of Iowa.

## ACTS RELATING TO PROPOSITIONS TO AMEND THE CONSTITUTION.

### AN ACT PROVIDING FOR THE PUBLICATION OF PROPOSITIONS TO AMEND THE CONSTITUTION AND FOR OTHER PUR- POSES CONNECTED THEREWITH.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That whenever any proposition to amend the constitution has passed the general assembly and [been] referred to the next succeeding legislature as provided in section 1, article ten of the constitution, the secretary of state shall cause the same to be published in two newspapers of general circulation in each congressional district in the state for the time provided in section one, article ten of the constitution; and the fact of such publication having been made shall be verified by the affidavits of the publishers of such newspapers and such affidavits together with the certificate of the secretary of state that he had designated the newspapers in which the publication was made shall be filed, preserved and recorded in a book kept for that purpose in the office of the secretary of state; and the secretary of state shall report his action in the premises to the next succeeding general assembly.

SEC. 2. Whenever a proposition to amend the constitution shall have passed the general assembly and been agreed to by the next succeeding general assembly as provided in section one, article ten of the constitution, the same shall be submitted to the qualified electors at the next ensuing general election; and the ballots relating to such amendment or amendments shall be separate from the ballots for officers cast at such election, and shall be deposited in boxes to be provided by the judges of election, separate from said ballots so cast for officers; and there shall be written or printed on such ballots the entire proposed amendment or amendments with the word "for" or "against"—as the elector may desire—preceding each amendment voted upon; and the election shall be conducted in the same manner as the election for state

officers, except as herein otherwise provided; and the canvass shall be in the same manner, and by the same officers and like returns made thereof as of the ballots cast for the secretary of state; and the board of state canvassers shall declare the results and enter the same of record in the book mentioned in section one of this act, immediately following and in connection with the proofs of publication.

SEC. 3. Whenever a proposition to amend the constitution is submitted to a vote of the electors, the governor shall include such proposed amendment in his proclamation provided for in section 577 of the Code.

SEC. 4. Expenses incurred under the provisions of this act, shall be audited and allowed by the executive council and paid out of any money in the state treasury not otherwise appropriated.

Approved March 15, 1876.

—Reprinted from *Acts of the Sixteenth General Assembly of the State of Iowa*, p. 99.

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A BILL FOR AN ACT TO AMEND CHAPTER 114, OF THE ACTS OF THE SIXTEENTH GENERAL ASSEMBLY, RELATING TO THE SUBMISSION OF AMENDMENTS TO THE CONSTITUTION TO A VOTE OF THE PEOPLE.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That chapter 114 of the acts of the sixteenth general assembly be and the same is hereby amended as follows: Add after the word "constitution," in the fourth line of section 2, of said act, the following words: "When no other time is fixed by such general assembly for its submission to the people."

SEC. 2. That said chapter be and the same is hereby further amended by adding thereto, as section five thereof, the following:

SEC. 5. The general assembly to which a proposition to

amend the constitution has been referred by the last preceding general assembly, and which has agreed to such proposed amendment, may provide for its submission to the people at a special election for that purpose, at such time as the general assembly may prescribe, proclamation for which election shall be made by the governor, and the same shall in all respects be governed and conducted as prescribed in this act for submission of a constitutional amendment at a general election so far as applicable.

SEC. 3. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the *Iowa State Register* and *Iowa State Leader*, newspapers published at Des Moines, Iowa.

Approved, February 11, 1882.

I hereby certify that the foregoing act was published in the *Iowa State Leader* February 13, and *Iowa State Register* February 14, 1882.

J. A. T. HULL, *Secretary of State.*

—Reprinted from *Acts of the Nineteenth General Assembly of the State of Iowa*, p. 8.

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## THE AMENDMENT OF 1880.

PROPOSING TO AMEND SECTION FOUR (4) OF ARTICLE THREE (3) OF THE CONSTITUTION OF THE STATE OF IOWA, AND TO PROVIDE FOR ITS REFERENCE AND PUBLICATION.

*Be it resolved by the General Assembly of the State of Iowa:*

That the following amendment to the constitution of the state, be, and the same is hereby proposed, viz:

Strike out the words, "free white," from the third line of section four (4) of article three (3) of said constitution, relating to the legislative department.

*Resolved, further,* That the foregoing proposed amendment to the constitution of the state of Iowa, be, and the same

hereby is referred to the legislature, to be chosen at the next general election for members of the general assembly, and that the secretary of State cause the same to be published for three months previous to the day of such election, in two weekly newspapers in each congressional district in the state.

Approved, March 15, 1878.

—*Reprinted from Acts of the Seventeenth General Assembly of the State of Iowa, p. 178.*

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JOINT RESOLUTION AGREEING TO, RATIFYING, AND CONFIRMING AN AMENDMENT TO SECTION FOUR (4) OF ARTICLE THREE (3) OF THE CONSTITUTION OF THE STATE OF IOWA, RELATING TO THE LEGISLATIVE DEPARTMENT.

WHEREAS, The seventeenth general assembly of the state of Iowa did, in due form, by a majority of the members elected to each of the two houses, agree to a proposed amendment to the constitution of this state, to strike the words "free white" from the third line of section four (4) of article three (3) of said constitution, and the same was entered on the journals thereof, and was referred to the legislature to be chosen at the next general election, and the same having been published as provided by law; therefore,

*Be it resolved by the General Assembly of the State of Iowa:*

That the following amendment to the constitution of the state be and the same is hereby agreed to, ratified, and confirmed: Strike out the words "free white" from the third line of section four (4) of article three (3) of said constitution, relating to the legislative department.

*Resolved further,* That the foregoing proposed amendment to the constitution be and the same is hereby submitted to the qualified electors of this state for their approval at the next ensuing general election, in the manner provided by law.

Approved, March 12, 1880.

—*Reprinted from Acts of the Eighteenth General Assembly of the State of Iowa, p. 214.*

## CERTIFICATE OF THE BOARD OF STATE CANVASSERS.

*State of Iowa:—ss.*

We, the undersigned, Board of State Canvassers of the State of Iowa, do hereby certify that at the General Election held on the second day of November A. D. 1880, there were one hundred forty-two thousand one hundred and eighty (142,180) ballots cast on the proposition to amend the constitution of the State as follows: Strike out the words "free white" from the third line of section four (4) of Article three (3) of said constitution relating to the Legislative department. Of which ninety thousand two hundred and thirty-seven (90,237) were "For" and fifty-one thousand nine hundred and forty-three (51,943) votes were "Against."

We therefore declare the aforesaid proposition to amend the constitution as follows: Strike out the words free white from the third line of section four (4) of Article three (3) of said constitution, relating to the Legislative department, was adopted.

In testimony whereof, we have hereunto set unto L. S. our hands and affixed the Great Seal of the State of Iowa, at Des Moines, this third day of December A.D. 1880.

JNO H. GEAR		Board of State Canvassers.
J. A. T. HULL		
B. R. SHERMAN		
GEO W. BEMIS		

—Printed from *Election Record, No. II., p. 325.* Manuscript copy as preserved in the office of the Secretary of the Commonwealth of Iowa.

**THE PROHIBITORY AMENDMENT (1882).**

JOINT RESOLUTION PROPOSING TO AMEND THE CONSTITUTION SO AS TO PROHIBIT THE MANUFACTURE AND SALE OF INTOXICATING LIQUOR AS A BEVERAGE WITHIN THIS STATE.

*Be it resolved by the General Assembly of the State of Iowa:*  
That the following amendment to the Constitution of the state of Iowa be and the same is hereby proposed: To add, as section 26 to Article 1 of said constitution, the following:

**SECTION 26.** No person shall manufacture for sale, or sell or keep for sale as a beverage, any intoxicating liquors whatever, including ale, wine and beer.

The general assembly shall by law prescribe regulations for the enforcement of the prohibition herein contained, and shall thereby provide suitable penalties for the violation of the provisions hereof.

*Resolved, further,* That the foregoing proposed amendment be and the same is hereby referred to the legislature to be chosen at the next general election for members of the next general assembly, and that the secretary of state cause the same to be published for three months previous to the day of said election, as provided by law.

Approved, March 17, 1880.

—Reprinted from *Acts of the Eighteenth General Assembly of the State of Iowa*, p. 215.

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JOINT RESOLUTION AGREEING TO AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF IOWA, PROHIBITING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS AS A BEVERAGE WITHIN THIS STATE.

WHEREAS, The eighteenth general assembly of the state of Iowa did in due form, by a majority of the members elected

to each of the two houses, agree to a proposed amendment to the constitution of this state to add as section 26 to article I of said constitution the following:

“ SECTION 26. No person shall manufacture for sale, or sell, or keep for sale, as a beverage any intoxicating liquors whatever, including ale, wine and beer. The general assembly shall by law prescribe regulations for the enforcement of the prohibition herein contained, and shall thereby provide suitable penalties for the violation of the provisions hereof;”

And the said proposed amendment was entered on the journals of said houses and was referred to the legislature to be chosen at the next general election, and the same having been published as provided by law; therefore,

*Be it resolved by the General Assembly of the State of Iowa:*

That the following amendment to the constitution of the state of Iowa be and the same is hereby agreed to:

Add as section 26 to article I of said constitution the following: Section 26. No person shall manufacture for sale, or sell, or keep for sale, as a beverage any intoxicating liquors whatever, including ale, wine and beer. The general assembly shall by law prescribe regulations for the enforcement of the prohibition herein contained, and shall thereby provide suitable penalties for the violation of the provisions hereof.

Approved, March 13, 1882.

—Reprinted from *Acts of the Nineteenth General Assembly of the State of Iowa*, p. 178.

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AN ACT TO SUBMIT TO A VOTE OF THE PEOPLE THE PROPOSED AMENDMENT TO THE CONSTITUTION PROHIBITING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS AS A BEVERAGE WITHIN THIS STATE.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That a special election for the adoption or rejection by the qualified electors of the state of the proposed amendment to the constitution prohibiting the manufacture and sale of intoxicating liquors as a beverage within the state shall be held throughout the state on Tuesday, the 27th day of June, A. D. 1882, and the governor shall issue his proclamation therefor at least thirty days before said election and shall transmit a copy thereof to the sheriff of each county.

SEC. 2. The sheriff shall give at least ten days' notice thereof by causing a copy of such proclamation to be published in some newspaper printed in the county, or if there be no such paper by posting such copy in at least five of the most public place[s] in the county.

SEC. 3. The ballots shall have written or printed thereon, "For the adoption of the amendment," or "Against the adoption of the amendment."

SEC. 4. The county auditor shall prepare and furnish to the voting precincts in their respective counties poll-books for said election, and said election shall be held by the same officers and conducted in the same manner and returns thereof made as at a general election.

SEC. 5. The board of supervisors of the several counties shall meet on the first Monday after said election and proceed to canvass the votes in their respective counties. The votes shall be canvassed in the same manner and returns made to the secretary of state to be examined by the executive council as a board of state canvassers as in case of election for state and district officers, and immediately after the canvass of said returns by the executive council the governor shall issue his proclamation declaring the result of said election.

SEC. 6. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 31, 1882.

I hereby certify that the foregoing was published in *The Iowa State Leader* April 3, and the *Iowa State Register* April 4, 1882.

J. A. T. HULL, *Secretary of State.*

—Reprinted from *Acts of the Nineteenth General Assembly of the State of Iowa*, p. 164.

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#### CERTIFICATE OF THE BOARD OF STATE CANVASSERS.

*State of Iowa:*—ss.

We, the undersigned, Board of State Canvassers of the State of Iowa, do hereby certify that at the Special election held on the twenty-seventh day of June A. D. 1882, there were two hundred eighty one thousand one hundred and forty nine (281,149) votes cast on the proposition to amend the Constitution of the State as follows; Add as Section 26 to Article I of said Constitution the following: “Section 26. No person shall manufacture for sale, or sell, or keep for sale, as a beverage any intoxicating liquors whatever, including ale, wine and beer. The general assembly shall by law prescribe regulations for the enforcement of the prohibition herein contained, and shall thereby provide suitable penalties for the violation of the provisions hereof,” of which one hundred fifty five thousand four hundred and thirty six (155,436) votes were “For the Adoption of the Amendment,” and one hundred twenty five thousand six hundred and seventy seven (125,677) votes were “Against the Adoption of the Amendment,” and thirty-six (36) votes were “scattering.”

We therefore declare the aforesaid proposition to amend the Constitution as follows: Add as Section 26 to Article I of said constitution the following: “Section 26. No person shall manufacture for sale, or sell, or keep for sale, as a beverage any intoxicating liquors whatever, including ale, wine and beer. The general assembly shall by law prescribe regulations for the enforcement of the prohibition herein con-

tained, and shall thereby provide suitable penalties for the violation of the provisions hereof," was adopted.

In testimony whereof we have hereunto set our hands and affixed the Great Seal of the State of L. S. Iowa, at Des Moines, this twenty eighth day of July A D 1882.

BUREN R. SHERMAN.	}	Board of State Canvassers.
J. A. T. HULL		
W. V. LUCAS		
E. H. CONGER		

—Printed from the original manuscript records as preserved in the office of the Secretary of the Commonwealth of Iowa. Document No. 786.

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## THE AMENDMENTS OF 1884.

### JOINT RESOLUTION PROPOSING AMENDMENTS TO THE CONSTITUTION AND PROVIDING FOR THEIR REFERENCE AND PUBLICATION.

*Be it resolved by the General Assembly of the State of Iowa,*  
That the following amendments to the constitution of the state be and the same are hereby proposed:

**AMENDMENT 1.** The general election for the state, district, county, and township officers shall be held on the Tuesday next after the first Monday in November.

**AMENDMENT 2.** At any regular session of the general assembly the state may be divided into the necessary judicial districts for district court purposes, or the said districts may be reorganized and the number of the districts and the judges of said courts increased or diminished; but no reorganization of the districts or diminution of the judges shall have the effect of removing a judge from office.

**AMENDMENT 3.** The grand jury may consist of any number of members not less than five nor more than fifteen, as the

general assembly may by law provide, or the general assembly may provide for holding persons to answer for any criminal offense without the intervention of a grand jury.

AMENDMENT 4. That Section 13, of article 5, of the constitution be stricken therefrom and the following adopted as such section:

SECTION 13. The qualified electors of each county shall, at the general election in the year 1886, and every two years thereafter, elect a county attorney, who shall be a resident of the county for which he is elected, and who shall hold his office for two years and until his successor shall have been elected and qualified.

The foregoing proposed amendments to the constitution of the state of Iowa be and the same are hereby referred to the legislature to be chosen at the next general election of the members of the general assembly, and that the secretary of state cause the same to be published for three months, next prior to the day of such election, in at least two weekly newspapers in each congressional district in the state.

Approved, March 17, 1882.

—Reprinted from *Acts of the Nineteenth General Assembly of the State of Iowa*, p. 180.

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JOINT RESOLUTION AGREEING TO CERTAIN AMENDMENTS  
TO THE CONSTITUTION OF THE STATE OF IOWA PRO-  
POSED BY THE NINETEENTH GENERAL ASSEMBLY.

WHEREAS, The nineteenth general assembly of the state of Iowa did in due form by a majority of the members elected to each of the two houses, agree to the following proposed amendments to the constitution of the state of Iowa, viz:

AMENDMENT 1. The general election for state, district county and township officers, shall be held on the Tuesday next after the first Monday in November.

AMENDMENT 2. At any regular session of the general assembly the state may be divided into the necessary judicial districts for district court purposes, or the said districts may be reorganized and the number of the districts and the judges of said courts increased or diminished; but no reorganization of the districts or diminution of the judges shall have the effect of removing a judge from office.

AMENDMENT 3. The grand jury may consist of any number of members, not less than five, nor more than fifteen, as the general assembly may by law provide, or the general assembly may provide for holding persons to answer for any criminal offense without the intervention of a grand jury.

AMENDMENT 4. That section 13 of article 5 of the constitution be stricken therefrom, and the following adopted as such section.

SECTION 13. The qualified electors of each county shall, at the general election in the year 1886, and every two years thereafter, elect a county attorney, who shall be a resident of the county for which he is elected, and who shall hold his office for two years, and until his successor shall have been elected and qualified.

AND WHEREAS, The said proposed amendments were entered on the journals of the said houses with the ayes and nays thereon, and were referred to the legislature to be chosen at the next general election, and the same having been published as provided by law, therefore,

*Be it resolved by the General Assembly of the State of Iowa:*

That the said proposed amendments to the constitution of the state of Iowa, be and the same are hereby agreed to, viz:—

AMENDMENT 1. The general election for state, district county and township officers shall be held on the Tuesday next after the first Monday in November.

AMENDMENT 2. At any regular session of the general assembly, the state may be divided into the necessary judicial districts for district court purposes, or the said districts may be reorganized and the number of the districts and the judges

of said courts increased or diminished; but no reorganization of the districts or diminution of the judges shall have the effect of removing a judge from office.

AMENDMENT 3. The grand jury may consist of any number of members not less than five, nor more than fifteen, as the general assembly may by law provide, or the general assembly may provide for holding persons to answer for any criminal offense without the intervention of a grand jury.

AMENDMENT 4. That section 13 of Article 5 of the constitution be stricken therefrom, and the following adopted as such section.

SECTION 13. The qualified electors of each county shall, at the general election in the year 1886, and every two years thereafter elect a county attorney, who shall be a resident of the county for which he is elected, and shall hold his office for two years, and until his successor shall have been elected and qualified.

Approved, March 29, 1884.

*—Reprinted from Acts of the Twentieth General Assembly of the State of Iowa, p. 234.*

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#### CERTIFICATE OF THE BOARD OF STATE CANVASSERS.

*State of Iowa:—ss.*

We the undersigned Board of State Canvassers of the State of Iowa, do hereby certify that, at the general election held on the 4th day of November A. D. 1884,

For and against amendment 1, there were one hundred and four thousand two hundred and eighty-two (104,182)<sup>1</sup> ballots cast, of which eighty-nine thousand three hundred and forty-two (89,342) votes were "for" and fourteen thousand nine hundred and forty (14,940) votes were "against."

We therefore declare that amendment 1 is duly adopted.

<sup>1</sup> Should read: 104,282. The error appears in the original manuscript.

For and against amendment 2 there were ninety-eight thousand eight hundred and twenty-eight (98,828) ballots cast of which sixty-four thousand nine hundred and sixty (64,960) votes were "for" and thirty-three thousand eight hundred and sixty-eight (33,868) votes were "against."

We therefore declare that amendment 2 is duly adopted.

For and against amendment 3 there were one hundred two thousand nine hundred and thirty-four (102,934) ballots cast, of which seventy-two thousand five hundred and ninety-one (72,591) votes were "for" and thirty thousand three hundred and forty-three (30,343) votes were "against."

We therefore declare that amendment 3 is duly adopted.

For and against amendment 4 there were one hundred thousand five hundred and twenty-three (100,523) ballots cast, of which sixty-seven thousand six hundred and twenty-one (67,621) votes were "for" and thirty-two thousand nine hundred and two (32,902) votes were "against."

We therefore declare that amendment 4 is duly adopted.

In testimony whereof, we have hereunto set our  
L. S. hands and caused to be affixed the Great Seal of  
the State, at Des Moines, this 10th day of Decem-  
ber A. D. 1884.

B. R. SHERMAN	}	Board of State Canvassers
J. A. T. HULL		
J. L. BROWN		
E. H. CONGER		

*—Printed from the original manuscript records as preserved  
in the office of the Secretary of the Commonwealth of Iowa.  
Document No. 788.*

VOTES ON THE PROPOSITION: "SHALL THERE BE A CONVENTION TO REVISE THE CONSTITUTION, AND AMEND THE SAME?"

THE VOTE IN 1870.

On the proposition "Shall there be a Convention to revise the Constitution and amend the same" there were cast One Hundred and six Thousand Eight hundred and eighty-five (106,885) ballots, of which twenty four thousand eight hundred and forty six (24,846) votes were for the proposition and Eighty two thousand and thirty nine (82,039) were against the proposition. We therefore declare that the proposition "Shall there be a convention to revise the Constitution and amend the same" was not adopted by the people.

In testimony whereof we have hereunto set our hands and caused to be affixed the Great Seal of  
 L. S. the State of Iowa at the Capitol in the City of Des Moines Iowa this 11th day of November A D 1870.

(Signed.) SAM'L. MERRILL } Board of  
 JNO. A. ELLIOTT } Canvassers.

*—Printed from Election Record, No. I<sup>7</sup>/II., pp. 450, 451.  
 Manuscript copy as preserved in the office of the Secretary of the Commonwealth of Iowa.*

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THE VOTE IN 1880.

We, the undersigned Board of State Canvassers of the State of Iowa, do hereby certify that at the General Election held on the second day of November A. D. 1880, there were one hundred and fifty-three thousand five hundred and forty six (153,546) ballots cast on the question "Shall there be a convention to revise the constitution and amend the same," of

which sixty-nine thousand seven hundred and sixty-two votes were "Yes" and eighty-three thousand seven hundred and eighty-four votes were "No."

We therefore declare that the question "Shall there be a convention to revise the constitution and amend the same" was lost.

In testimony whereof, we have hereunto set our hands and caused to be affixed the Great Seal of L. S. the State of Iowa, at Des Moines, this third day of December A. D. 1880.

JNO. H. GEAR	}	Board of State Canvassers.
J. A. T. HULL		
B. R. SHERMAN		
GEO. W. BEMIS		

—Printed from *Election Record*, No. II., pp. 323, 324.  
*Manuscript copy as preserved in the office of the Secretary of the Commonwealth of Iowa.*

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#### THE VOTE IN 1890.

There were One hundred and eighty seven thousand and two hundred [187,200] ballots cast on the question "Shall there be a convention to revise the constitution and amend the same" of which "Yes" received Twenty seven thousand, eight hundred and six [27,806] votes and

"No" received One hundred and fifty nine thousand, three hundred and ninety four [159,394] votes.

We therefore declare that the aforesaid proposition "Shall there be a convention to revise the Constitution and amend the same" was rejected.

In testimony whereof,—We have hereunto set our hands and caused to be affixed the Great Seal of L. S. the State.

Done at Des Moines, this 10th day of December  
A. D., 1890.

HORACE BOIES, Governor	}	Board of State Canvassers.
FRANK D. JACKSON, Sec. of State		
J. A. LYONS, Auditor of State		
V. P. TWOMBLY, Treasurer of State		

*—Printed from Election Record, No. III., p. 180. Manuscript copy as preserved in the office of the Secretary of the Commonwealth of Iowa.*

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## THE RATIFICATION OF AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

### JOINT RESOLUTION RATIFYING THE AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES ABOLISHING SLAVERY.

WHEREAS, The Congress of the United States has proposed to the several States the following amendment to the Federal Constitution, viz:

#### “ARTICLE XIII.

“SECTION I. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

“SEC. II. Congress shall have power to enforce this Article by appropriate legislation.”

Therefore,

*Be it Resolved by the General Assembly of the State of Iowa,*  
That the State of Iowa, by its Legislature, hereby ratifies  
and assents to said Amendment.

Approved January 24th, 1866.

—*Reprinted from Acts of the Eleventh General Assembly of  
the State of Iowa, p. 163.*

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JOINT RESOLUTION, RATIFYING THE AMENDMENT TO THE  
CONSTITUTION OF THE UNITED STATES IN REGARD  
TO REPRESENTATION, RECONSTRUCTION AND THE NA-  
TIONAL DEBT.

WHEREAS, The Congress of the United States has pro-  
posed to the several States the following amendment to the  
Federal Constitution, viz:

A R T I C L E 14.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in Congress, the executive and judicial officers of a State or the members of the legislature thereof, is denied to any of the male inhabitants of such State,

being twenty-one years of age, and citizens of the United States, or in any way abridge [d], except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a senator or representative in Congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the constitution of the United States shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof; but Congress may, by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned; but neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article: therefore,

*Be it resolved by the General Assembly of the State of Iowa,*  
That the State of Iowa by its legislature hereby ratifies, adopts, and assents to said amendment.

Approved April 3, 1868.

—Reprinted from *Acts of the Twelfth General Assembly of the State of Iowa*, p. 293.

JOINT RESOLUTION RATIFYING THE PROPOSED FIFTEENTH  
ARTICLE OF AMENDMENT TO THE CONSTITUTION OF  
THE UNITED STATES, RELATIVE TO THE RIGHT OF  
CITIZENS TO VOTE.

WHEREAS, The Fortieth Congress of the United States has proposed to the Legislatures of the several States the following article of amendment to the Federal Constitution, namely:

A R T I C L E 15.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation; therefore,

*Be it resolved by the General Assembly of the State of Iowa,*  
That the State of Iowa, by its legislature, hereby ratifies, adopts, and assents to the said amendment.

Approved, February 3, 1870.

—Reprinted from *Acts of the Thirteenth General Assembly of the State of Iowa*, p. 242.





